

**ARCHITECTURAL EXAMINING BOARD[193B]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board amends Chapter 2, “Registration,” and Chapter 3, “Continuing Education,” Iowa Administrative Code.

The rules in Chapter 2 describe the process for registration and renewal of certificates of registration for individuals to be authorized to practice architecture in Iowa. The rules in Chapter 3 describe professional licensees’ continuing education requirement as a condition of registration renewal. These amendments return the annual renewal and continuing education requirements to biennial requirements and adjust the fees accordingly.

In 2014, the Board adopted rules using the normal rule-making process to change from a biennial renewal period to an annual renewal period, to adjust the fees accordingly, and to provide for a transitional period. The rules were not controversial and were intended to bring Iowa in line with a national model. Historically, architects have renewed every other year when their registrations expired on June 30. Under the rules adopted in 2014, architects would have registered every year on a revised schedule in which registrations would expire on December 31. Unfortunately, the Board assumed the change would be technologically feasible but has now learned the change is cost prohibitive. In the course of attempting to update the licensing database for the spring renewal period, the Board was advised by the Office of the Chief Information Officer (OCIO) that the changes to the database could cost up to \$40,000 on the Board’s licensing program. While it would be possible to reprogram the current database system, the cost is high, the staffing needs to accomplish the task are greater than anticipated, and it is uncertain whether the changes could be made in time for the beginning of the renewal cycle in mid-May 2015. The Board, along with the other boards in the Professional Licensing and Regulation Bureau of the Banking Division, has been consulting with the OCIO on acquiring a new database system. Thus, the timing for a large expense to update the current system is poor and would not be a wise use of state funds. The Board debated about how to address this unexpected challenge and concluded that the Board should revert back to the biennial renewal process using the same expiration dates as historically used. Once a new database is acquired and programmed to accommodate the proposed changes, the rules for an annual renewal period can be revived and readopted. In sum, the current technology does not match the rules adopted in 2014. Because renewals open on or about May 15, the amendments adopted in this rule making need to be effective upon filing so that the Board may notify registrants and proceed with the renewal period under the rules as amended herein.

These amendments were approved during the March 10, 2015, meeting of the Architectural Examining Board.

Pursuant to Iowa Code section 17A.4(3), the Board determined that notice and public participation are unnecessary because the amendments allow for reversion to a biennial renewal cycle before the annual renewal cycle was implemented, architects have not yet had to transition to the annual renewal cycle since 2015 was to be the first renewal cycle to begin the transition, and these amendments continue the many years of past practice of biennial renewal.

In compliance with Iowa Code section 17A.4(3), the Administrative Rules Review Committee at its April 10, 2015, meeting reviewed the Board’s determination and the amendments and approved the Emergency adoption.

The Board finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon filing, as the amendments confer a benefit on architect registration holders as well as on the public, who will be able to access an online listing of currently registered architects.

There is no fiscal impact.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 544A.10 and 272C.2.

These amendments became effective April 10, 2015.

The following amendments are adopted.

ITEM 1. Amend subrule 2.5(1) as follows:

**2.5(1) Active status.** Certificates of registration expire ~~annually~~ biennially on December 31 ~~June 30~~. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 193B—2.6(544A,17A).

a. A registrant whose last name begins with the letter A through K shall renew in even-numbered years, and a registrant whose last name begins with the letter L through Z shall renew in odd-numbered years.

~~a.~~ b. It is the policy of the board to send to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. The notice, when provided, may be by e-mail communication or in the quarterly newsletter. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

~~b.~~ c. Upon the board's receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board's administrator shall issue a new certificate of registration reflecting the next expiration date, unless grounds exist for denial of the application. However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date of expiration.

~~c.~~ d. If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation which is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

~~d.~~ e. When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 193—subrule 7.40(1).

~~e.~~ f. The board may notify a registrant whose certificate of registration has expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

~~f.~~ g. A registrant who continues to practice architecture in Iowa after the registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

ITEM 2. Amend rule 193B—2.6(544A,17A) as follows:

**193B—2.6(544A,17A) Reinstatement of lapsed certificate of registration to active status.** An individual may reinstate a lapsed certificate of registration to active status as follows:

**2.6(1)** If the individual's registration has been lapsed for up to ~~12~~ 24 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

*a. Option 1.* The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of 12 continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 in addition to the ~~12~~ 24 hours which should have been reported on the ~~December 31~~ June 30 renewal date on which the applicant failed to renew. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

*b. Option 2.* The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

**2.6(2)** If an individual's registration has been lapsed for more than ~~12~~ 24 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

*a. Option 1.* The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration, up to a maximum of ~~\$300~~ \$750;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of 12 continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 up to a maximum of ~~24~~ 48 continuing education hours. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

*b. Option 2.* The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

ITEM 3. Amend rule 193B—2.7(544A,17A) as follows:

**193B—2.7(544A,17A) Reinstatement of lapsed certificate of registration to inactive status.** An individual may reinstate a lapsed certificate of registration to inactive status as follows:

1. Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of ~~\$300~~ \$750;
2. Pay the current renewal fee;
3. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of lapsed registration.

ITEM 4. Amend rule 193B—2.8(544A) as follows:

**193B—2.8(544A) Reinstatement from inactive status or retired status to active status.**

**2.8(1)** An individual may reinstate an inactive registration or retired registration to active registration as follows:

a. Pay the current active registration fee. If reinstating to active status at a date that is less than ~~six~~ 12 months from the next ~~annual~~ biennial renewal date, one-half of the current active registration fee shall be paid.

b. Submit documented evidence of completion of ~~12~~ 24 continuing education hours in compliance with requirements in 193B—Chapter 3. The hours used to reinstate to active status cannot again be used to renew.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the person shall not be required to report continuing education hours.

(2) At the first biennial renewal date of July 1 that is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the person shall report 12 hours of previously unreported continuing education hours.

**2.8(2)** An individual shall not be allowed to reinstate to inactive status from retired status.

ITEM 5. Amend rule 193B—2.11(544A,17A) as follows:

**193B—2.11(544A,17A) Fee schedule.** Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to the testing service selected by NCARB

Initial registration fee	\$ 50
(plus \$5 per month until renewal)	
Reciprocal application and registration fee	<del>\$100</del> <u>\$200</u>
<del>Annual</del> <u>Biennial</u> renewal fee	<del>\$100</del> <u>\$200</u>
<del>Annual</del> <u>Biennial</u> renewal fee (inactive)	<del>\$ 50</del> <u>\$100</u>
Retired status	None
Reinstatement of lapsed individual registration (per month)	\$ 25
Duplicate wall certificate fee	\$ 50
Late renewal fee	\$ 25

(for renewals postmarked on or after ~~January~~ July 1 and before ~~January~~ July 30)

ITEM 6. Rescind and reserve rule **193B—2.12(544A,272C)**.

ITEM 7. Amend rule 193B—3.3(544A,272C) as follows:

**193B—3.3(544A,272C) Basic requirements.**

**3.3(1)** To renew registration, an architect must, in addition to meeting all other requirements, complete a minimum of ~~12~~ 24 CEHs ~~for each calendar year~~ 24-month period since the architect's last renewal of initial registration or be exempt from these continuing education requirements as provided in rule 193B—3.5(544A,272C). Failure to comply with these requirements may result in nonrenewal of the architect's registration.

**3.3(2)** All ~~12~~ 24 CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. CEHs may be acquired at any location. Excess CEHs cannot be credited to a ~~future calendar year~~ the next renewal.

**3.3(3)** An architect shall complete and submit forms as required by the board certifying that the architect has completed the required CEHs. Forms may be audited by the board for verification of compliance with these requirements. Documentation of reported CEHs shall be maintained by the architect for two years after the period for which the form was submitted. If the board disallows any CEHs, the architect shall have 60 days from notice of such disallowance to either provide further evidence of having completed the CEHs disallowed or remedy the disallowance by completing the required number of CEHs (provided that such CEHs shall not again be used for the next ~~calendar year~~ renewal). If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required CEHs, the architect may be subject to disciplinary action.

**3.3(4)** An architect who holds registration in Iowa for less than 12 months from the date of initial registration shall not be required to report CEHs at the first registration renewal. An architect who holds registration in Iowa for more than 12 months, but less than 23 months from the date of initial registration, shall be required to report 12 CEHs earned in the preceding 12 months at the first registration renewal.

ITEM 8. Amend subrule 3.5(1) as follows:

**3.5(1)** As provided in Iowa Code section 272C.2(4), a registered architect shall be deemed to have complied with the continuing education requirements set forth in this chapter if the architect attests in the required affidavit that for not less than ~~ten months of the preceding one year~~ 21 months of the preceding two-year period of registration, the architect:

- a. Has served honorably on active duty in the military service; or
- b. Is a resident of another state or district having a continuing education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein; or
- c. Is a government employee working as an architect and assigned to duty outside the United States.

ITEM 9. Rescind and reserve rule **193B—3.6(544A,272C)**.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/15.